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Convention on the Rights of the Child

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Committee on the Rights of the Child**Fifty-fourth session**

25 May-11 June 2010

Consideration of Reports Submitted by States Parties under Article 44 of the Convention**Concluding observations: Nigeria**

1. The Committee considered the combined third and fourth reports of Nigeria (CRC/C/NGA/CO/3-4) at its 1505th and 1507th meetings (CRC/C/SR.1505 and 1507), held on 26 May 2010, and adopted at its 1541st meeting, held on 11 June 2010, the following concluding observations.

A. Introduction

2. The Committee welcomes the third and fourth consolidated report of the State party as well as the written replies to its list of issues (CRC/C/NGA/Q/3-4/Add.1) and commends the State party on the frank and self-critical nature of the report. The Committee appreciates the presence of a high-level delegation, led by the Minister of Women's Affairs and Social Development, and the constructive dialogue.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the positive developments related to the implementation of the Convention, such as:

- (a) The adoption of legislation enacting the Child Rights Act (CRA) (2003) in 24 states of the federation;
- (b) The Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act of 2005;
- (c) The adoption of policies and strategies aiming at strengthening the implementation of the Convention, including:
 - (i) The National Plan of Action on CRC/CRA (2009-2015) of 2008;
 - (ii) The National Action Plan for the Promotion and Protection of Human Rights in Nigeria (2009-2013)
 - (iii) The National Child Policy and National Child Health Policy of 2007;
 - (iv) The National Plan of Action on Orphans and Vulnerable Children (2006-2010) of 2007;
 - (v) The National Policy and Guidelines for the Establishment and Monitoring of Child Care Centres in Nigeria;
 - (vi) The National Policy on Adolescent Health of 2006 and the Integrated Maternal, Newborn and Child Health (IMNCH) Strategy of 2007;
 - (vii) The Action Plan developed by the National Population Commission for a permanent and sustainable birth registration system

4. The Committee also welcomes the accession by the State Party to the following instruments:

- (a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 27 July 2009;
- (b) The International Convention for the Protection of All Persons from Enforced Disappearances on 27 July 2009;
- (c) The Optional Protocol to the Convention against Torture on 27 July 2009;
- (d) The Convention on the Prevention and Punishment of the Crime of Genocide on 27 July 2009.

Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention) and the Committee's previous recommendations

5. The Committee welcomes efforts undertaken by the State party to address the concerns and recommendations adopted upon consideration of the second periodic report of the State party in 2005 (see CRC/C/15/Add.257). However, the Committee remains concerned that certain recommendations have not been given sufficient follow-up.

6. The Committee urges the State party to take all measures to address those recommendations contained in the concluding observations on the second periodic report that have not yet been implemented and to provide adequate follow-up to the recommendations regarding, inter alia, data-collection systems, the harmonization of minimum ages and definitions, the death penalty, juvenile justice, corporal punishment, and children with disabilities, contained in the present concluding observations on its combined third and fourth periodic report.

Legislation

7. The Committee welcomes the ongoing constitutional review in the State party and, in this context, the proposal to place the Child Rights Act (CRA) in the concurrent list of legislation which would make it automatically applicable in all states of the federation. The Committee remains concerned, however, that most northern states of the State party have not yet domesticated the CRA and about reports that some states that have passed such legislation have adopted a definition of the child which is not in compliance with that of the Convention. Furthermore, the Committee regrets that a comprehensive review on the compatibility of the existing statutory, religious (sharia) and customary laws with the Convention and the Child Rights Act has not been carried out.

8. The Committee strongly recommends that the State party ensure that the Child Rights Act be included in the concurrent list of legislation in the context of the ongoing constitutional review. The Committee recommends that a comprehensive review of existing legislation and positive law be undertaken to ensure that all laws at federal and state levels, including religious and customary law, are in full compliance with the Convention, as recommended also by the Special Rapporteur on freedom of religion or belief. The State party is urged to ensure that those states that have not yet adopted the Child Rights Act do so within the shortest period possible and to continue and strengthen awareness-raising activities about the Convention and the CRA in those states.

Coordination

9. While appreciating the coordinating role of the Federal Ministry of Women Affairs and Social Development (FMWA&SD) for ensuring compliance with the implementation of the Convention in the State party, the establishment of specific ministries charged with women and children's affairs in all states and of child rights implementation committees at national, state and local levels during the reporting period, the Committee remains concerned about the absence of a mechanism that can ensure that child rights are considered across all line ministries and that policies and programs are well-coordinated between national, state and local levels. It is also concerned about reports that the Federal Ministry of Women Affairs and Social Development is not sufficiently resourced to effectively discharge, or prioritize, its child rights mandate. In this context, the Committee notes with appreciation the pending bill before the National Assembly which proposes the establishment of a Child Protection Agency, envisaged to function as the main coordinating body on children's rights in the State party.

10. While noting with appreciation information on constructive engagement with traditional leaders (Sultans, Emirs and Chiefs) in the State party, the Committee is concerned, considering their critical importance at local level for the effective implementation of the Convention and the Child Rights Act, that at present these local authorities are not sufficiently engaged in the coordination and implementation of child rights policies at the local level.

11. The Committee, referring to its earlier recommendation (CRC/C/15/Add.257, para. 15), strongly recommends that the State party adopt the bill to establish a permanent Child Rights Agency at the earliest possible time and ensure that it be given a strong coordinating mandate, including inter-ministerial as well as inter-governmental coordination. The Committee furthermore strongly recommends that the State party identify strategies to formally engage traditional and religious leaders in ensuring implementation of the Convention rights at the local level.

National Plan of Action

12. The Committee welcomes the adoption, in line with the Committee's earlier recommendations (CRC/C/15/Add.257, para. 18), of the National Plan of Action on CRC/CRA 2009-2015 which "puts children first as a state policy" and which emphasizes health, education, and protection of children. While noting with appreciation that the State party is taking steps to implement and provide resources for the Action Plan, it is concerned that a results-oriented, gender-sensitive and evidence-based cost plan for the operationalization of the Action Plan remains a challenge.

13. The Committee recommends the State party to ensure effective implementation of the National Plan of Action on CRC/CRA 2009-2015, including by designing and implementing a cost plan with clear indicators and allocating adequate financial and human resources for its operationalization.

Independent monitoring

14. The Committee reiterates its appreciation (CRC/C/15/Add.257, para. 20) of the appointment of a Special Rapporteur on Child Rights within the Nigerian Human Rights Commission (NHRC) with the mandate to monitor and collect data on violations of children's rights in the State party. The Committee remains concerned, however, at the adequacy of the human and financial resources available to the Special Rapporteur and regrets that the State party's report lacked information on the independence of and

activities undertaken by the Special Rapporteur, especially in light of the decision of International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights on October 2007 to downgrade the NHRC to B status.

15. The Committee urges the State party to ensure that the NHRC complies with the Paris Principles and is provided with adequate financial and human resources, including by ensuring that the Special Rapporteur on Child Rights within the NHRC is accessible to children and adequately resourced, taking into account general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

Allocation of resources

16. The Committee welcomes information that budget allocations to health and education have increased and that funds saved from the State party's debt relief programme will be invested in children's programmes. Furthermore, it welcomes information from the State party that a specific budget line on maternal health and the new born child has been included in the 2010 Government budget. It also notes with appreciation the implementation of a comprehensive economic and anti-corruption reform programme, which includes prosecution of officials, and at the establishment of an interagency task team of anti-corruption agencies. The Committee nevertheless wishes to reiterate its earlier concern about insufficient budget allocations to children and that corruption remains endemic in the State party (CRC/C/15/Add.257, para. 21) and its adverse effects on the protection and promotion of children's rights. The Committee notes with much concern information that due to the fact that the state and local governments are not required to provide budget or expenditure reports to the federal government, the latter is unable to monitor the expenditure of funds.

17. The Committee strongly recommends the State party to undertake a budget analysis of resources allocated to children, and to mandate and sufficiently resource a government body responsible for monitoring and evaluating the appropriate use and expenditure of such resources. In this regard, taking into account the Committee's recommendations during its day of general discussion on Resources for the Rights of the Child – Responsibility of States, the State party is urged:

(a) To take all necessary measures to effectively prevent and combat corruption, in particular by reinforcing enforcement of existing mechanisms under the State party's anti-corruption reform programme and by investigating and prosecuting all suspected cases of corruption;

(b) To utilize a child rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges the State party to use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child", ensuring that the differential impact of such investment on girls and boys is measured;

(c) To ensure that children are consulted in the process of budget allocation, as requested to the federal Government by the Children's Parliament;

(d) When possible, to follow the United Nations recommendation to start results-based budgeting to monitor and assess the effectiveness of resource allocation and, if necessary, seek international cooperation to this effect;

(e) To define strategic budgetary lines for disadvantaged or particularly vulnerable children, especially orphans, children in street situations and internally displaced children, and for those situations that may require affirmative social measures (such as birth registration) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

(f) To develop strategic budgetary lines regarding critical social sectors, in particular health and education, for states in the northern geopolitical zones of the State party with a view to address the prevailing disparities in the realization of children's economic and social rights;

(g) To establish a system of monitoring of the allocation and expenditure of federal government funds by local and state governments with a view to strengthen accountability of the latter.

Data collection

18. The Committee notes with appreciation the establishment of the National Bureau of Statistics (NBS) and its fully fledged department dealing with statistics on children during the reporting period. It also welcomes the appointment of the Convention on the Rights of the Child (CRC) Chair at the University of Lagos and the undertaking of a National Baseline Survey on child protection, including indicators, by the same. The Committee notes however that data on children deprived of a family environment, refugee and internally displaced children, children in conflict with the law, children with disabilities, as well as single-parent families still has to be collected and analysed.

19. The Committee encourages the State party to continue to strengthen its data collection system, including by providing adequate financial and human resources and by fostering close cooperation and collaboration between relevant entities such as the Child Development Department, Child Rights Implementation Committees, the National Bureau of Statistics, the Child Right Information Bureau in the Ministry of Interior (CRC/C/15/Add.257, para. 5), academic institutions and development partners. It recommends the publication of annual reports on the state of children's rights in the State party and reminds the State party of the Committee's general comment No. 5 (2003) on general measures of implementation.

Dissemination, training and awareness raising

20. While welcoming the efforts by the State party to raise awareness of children's rights through training and sensitization programmes for critical target groups, the Committee regrets that these are primarily of an ad hoc character. The Committee also regrets the lack of sustained and comprehensive training programmes for key professional groups, including law enforcement officials, members of the judiciary, prison staff, health professionals, social workers, local government administrators and traditional and religious leaders on the Convention and the Child Rights Act.

21. The Committee recommends systematic training on the Convention and the Child Rights Act for all professional groups working with and for children, with priority given to police, judges, prison staff, personnel of child care institutions, including through the necessary revision of training manuals and operative procedures. In this regard, the Committee recommends the wide dissemination of the findings on child protection of the National Baseline Survey for the respective groups as a critical awareness-raising tool on the situation of child rights in the State party.

22. Mindful of the rich linguistic diversity of the State party, the Committee strongly recommends the translation of the Convention and the CRA into languages used in the federation other than the three major local languages (Hausa, Igbo and Yoruba) and to ensure their wide dissemination and popularization, especially in rural communities. In light of article 17, paragraphs (a) and (d), of the Convention, the Committee encourages the active involvement of media.

Cooperation with civil society

23. The Committee welcomes the State party's indication that state institutions work in close collaboration with civil society organizations in furthering the implementation of children's rights, as witnessed in the participatory process during the preparation of the State party's report. The Committee is concerned, however, of the reliance of the State party on civil society organizations in the provision of social services of the Convention, notably in the fields of child care and education, which may affect the responsibility of State party as the primary duty-bearer for the realization of the rights guaranteed under the Convention.

24. The Committee encourages the State party to further strengthen its cooperation with civil society in enhancing the protection and promotion of human rights in the State party, including their participation in the implementation of the Committee's concluding observations.

25. While acknowledging the important role played by non-governmental actors in the provision of services for children, the State party is nevertheless recommended to undertake a comprehensive review of their involvement in the provision of core social services for children, including the running of child care institutions and education. The Committee reminds the State party of its obligation to ensure that non-State service providers operate in accordance with the Convention (general comment No. 5 (2003) on general measures of implementation, para. 44). In this regard, the State party is strongly encouraged to establish a system of continuous monitoring and evaluation of social services provided by private entities for children, including by elaborating appropriate standards (see the Committee's day of general discussion on The private sector as service provider and its role in implementing child rights (2002)).

Definition of the child (art. 1 of the Convention)

26. While noting that the Child Rights Act defines the child in accordance with the Convention and establishes the legal minimum age of marriage at 18 years, the Committee notes with serious concern that the definition of the child in some legislation domesticating the Child Rights Act at state level sets the age at 16 years (Akwa-Ibom state) or defines the child not by age but by "puberty" (Jigwa state), reportedly for the purposes of early marriages. The Committee also reiterates the earlier concern expressed in 2005 about the wide variety of minimum ages that are very low at state level (CRC/C/15/Add.257, para. 27).

27. The Committee urges the State party to ensure that the definition of the child in legislation domesticating the Child Rights Act at state level is in full compliance with that of the Convention, including by amending the recently adopted Child Rights Laws in Akwa-Ibom and Jigwa states. To this end, the Committee urges the State party to intensify its ongoing dialogue with traditional and religious leaders and state authorities to enhance the understanding of the importance of conceptualizing persons under the age of 18 as children with special rights and needs guaranteed under the Convention. The State party is recommended to use the example of the recent polio eradication campaign in this respect.

General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

28. The Committee notes as positive that the Constitution incorporates provisions of non-discrimination and welcomes the fact that the Anti-Discrimination Bill is about to be passed by the National Assembly. It remains concerned however that de facto discrimination of children prevails and is tolerated in the State party, in particular vis-à-vis the girl child, but also against children with disabilities, children in street situations and children of minority groups.

29. The Committee requests that the State party provide more information in its next periodic report on measures taken to give practical effect to the principle of non-discrimination as per article 2 of the Convention, especially in relation to the girl child, children with disabilities, children in street situations and children of minority groups. The State party is encouraged to consider affirmative action programmes to ensure girls effective access to education and prevent early school drop-out, including by reinforcing existing programmes such as the Federal Government of Nigeria (FGN) Gender Education Project.

Best interests of the child

30. The Committee welcomes the express provision in the Child Rights Act that the child's best interests shall remain "paramount" in all considerations affecting the child and appreciates information that courts of the State party frequently base their decisions on this principle. The Committee is concerned, however, that certain practices that are inconsistent with this and other general principles of the Convention appear to be considered as reflecting the best interests of the child. This includes information on the placement of children from vulnerable groups in remand homes and the detention of child offenders charged with status offences, and of children at the request of their parents for being "beyond parental control", for their own protection.

31. The Committee strongly recommends the State party to ensure that the principle of the best interests of the child is explicitly enshrined in new legislation domesticating the Child Rights Act at state level. The State party is urged to formally incorporate the best interests of the child as a guiding principle in other actions concerning children, particularly in decisions concerning children without parental care and in the juvenile justice system, and by harmonizing this principle with the Sharia Penal Codes and enforcing it in practice.

Right to life, survival and development

32. While noting with satisfaction that the death penalty is prohibited by law in the Child Rights Act, the Committee is seriously concerned at reports related to an estimated 40 prisoners reportedly on death row for crimes committed when they were below the age of 18. It reiterates the strong concern expressed by the African Committee on the Rights and Welfare of the Child concerning the mandatory death penalty for offences in sharia penal codes (including Hadd punishments) which, given the absence of definition of the child as a person under the age of 18 and that in certain states children are defined by puberty, could be imposed on children under sharia jurisdiction. The Committee is gravely concerned about the impact of inter-communal and political violence on children, including reports that children have been victims of extrajudicial killings by law enforcement agencies. Ethnic conflict is also referred to as being among the main causes of orphanage.

33. The Committee recommends the State party to take the opportunity of its ongoing constitutional review to include an express prohibition of the application of the death penalty to persons under 18 years of age. The Committee urges the State party:

(a) To review the files of all prisoners on death row for crimes committed before the age of 18, as recommended by the Special Rapporteur on extrajudicial, summary or arbitrary executions;

(b) To prohibit the death penalty for all persons under the age of 18 in domestic legislation, including through the appropriate adaptations in the interpretation of sharia penal codes and in conformity with the Convention;

(c) To include comprehensive information in its next periodic report on all measures taken to guarantee to children their right to life, survival and development.

Respect for the views of the child

34. The Committee welcomes the establishment of Children's Parliaments in all 36 states of the Federation, in line with the Committee's recommendation (CRC/C/15/Add.257, para. 35), and their active participation in international as well as national forums. Nevertheless, the Committee remains concerned about the limited participation of children in matters affecting them in children's institutions of all kind, in the community, in the family and in judicial and administrative procedures. It regrets the low level of acceptance thereof, especially in rural areas, and appreciates the State party's acknowledgement of this situation.

35. In light of article 12 of the Convention, and drawing the State party's attention to general comment No. 12 (2009) on the right of the child to be heard, the Committee urges the State Party:

(a) To strengthen the effective functioning of the Children's Parliaments, especially the implementation of its mandate to deliberate and contribute to draft child-oriented bills, and ensure that their composition is representative of all segments of society, including orphans, children with disabilities, refugee children, and other children with special needs;

(b) To take effective measures to ensure that the child's right to be heard is respected and implemented in all civil and penal judicial proceedings as well as in administrative proceedings, including those concerning children in alternative care (CRC/C/GC/12, para. 97);

(c) To take effective measures to enhance understanding of the value of the right of the child to be heard in all institutions attended by children and at all levels of society, especially at community level, including through awareness-raising activities such as dialogue with traditional and religious leaders and training for adults and children, including peer training, themselves on relevant skills to facilitate their effective participation in all matters affecting the child.

Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Birth registration and preservation of identity

36. The Committee notes with appreciation the efforts made by the State party to improve birth registration. These include the development of an Action Plan to create permanent birth registration systems, the establishment of birth registration points in all government hospitals, the recorded increase in registration coverage from 30.2 per cent (2006) to 47 per cent (2008) as well as the integration of the birth registration process with routine immunization programmes. The Committee welcomes information by the State party on the introduction of biannual Maternal Newborn and Child Health Weeks where birth registrations are undertaken and the introduction in October 2009 of the midwife service scheme in rural areas. The Committee nevertheless remains concerned at the low

number of birth registrations, especially in rural areas, and at the non-registration of children born outside hospital, due to lack of awareness of existing legislation, limited number of registration centres and limited financial resources, and a lack of effective registration infrastructure. The Committee also expresses concern that the Birth, Death (Compulsory Registration) Act No. 69 of 1992 provides for prescribed fees in case of registration after 60 days and within 12 months of birth. The Committee furthermore expresses concern that the practice of tribal markings or other tattoos on the child's body as a method of identification still prevails in some parts of the country.

37. The Committee recommends that the State party continue and strengthen its efforts to ensure free and compulsory birth registration for all children. The Committee urges the State party:

- (a) To raise public awareness about the importance of birth registration and existing legislation;**
- (b) To allocate adequate financial, human and other resources to ensure easy access to registration by population in rural areas, including by strengthening ongoing training programs for birth registration personnel and midwives;**
- (c) To urge midwives to report administratively all births and provide midwives with training on how to undertake such reporting;**
- (d) To amend the Birth, Death (Compulsory Registration) Act No. 69 of 1992 so as to ensure free birth registration regardless of the time of registration and, in the meanwhile, extend the three-year waiver (2005-2008) for payment fees permanently;**
- (e) To ensure that monitoring bodies, in particular state committees for birth registration, operate effectively, including through adequate resources;**
- (f) To conduct awareness-raising programs, notably through the media, in rural areas on the importance and benefits of birth registration.**

Torture or other cruel, inhuman or degrading treatment or punishment

38. The Committee takes note of the draft laws on the definition and prohibition of torture in line with article 1 of the Convention against Torture and on the establishment of a torture investigation commission. The Committee notes with utmost concern, however, reports that torture and other forms of ill-treatment are widespread in police custody, and particularly at reports that children as young as 11 years of age have been held in custody in inhuman conditions in the Criminal Investigation Department (CID). In the regard, the Committee expresses serious concern at the lack of data on the number and nature of complaints of torture and other forms of ill-treatment of children deprived of their liberty.

39. The Committee urges the State party:

- (a) To expedite the adoption of the bill to outlaw torture by the National Assembly and to consider the incorporation of the absolute prohibition of torture in the Constitution;**
- (b) To take all necessary measures to ensure that no persons under the age of 18 are subject to torture or other forms of inhuman, degrading or cruel treatment or punishment as guaranteed by article 37 (a) of the Convention, including by ensuring independent monitoring of places of detention and by undertaking comprehensive training programmes for security and police personnel, especially for the special police units established to deal with children in conflict with the law;**
- (c) To establish an effective complaints and data collection system concerning complaints on torture or other forms of ill-treatment of children deprived of their liberty and that all allegations of torture or other forms of ill-treatment are promptly and properly investigated and that perpetrators are prosecuted.**

Corporal punishment

40. The Committee remains concerned that little or no action has been taken, or is planned for, by the State party to follow-up on its earlier recommendations concerning the outlawing of corporal punishment, especially by amending the relevant provisions of the Criminal Code and the Children and Young Persons Act which are inconsistent with the State party's obligations under the Child Rights Act and the Convention.

41. The Committee urges the State party to ensure the prohibition of corporal punishment in all settings, including in the home and under sharia law, as recommended by the Committee in its earlier recommendations (CRC/C/15/Add.257, para. 38). The Committee further strongly recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the human dignity of the child, drawing the State party's attention to general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and that it seek assistance from traditional and religious leaders in this respect.

Follow-up to the United Nations Study on violence against children

42. The Committee welcomes the Elimination of Violence in Society Bill and the adoption of state legislation prohibiting acts of violence against girls and women in support of the federal draft law. Nevertheless, the Committee reiterates its concern about the continued violence against children, especially gender-based violence.

43. With reference to the United Nations Study on violence against children, the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultation for West Africa held in Mali on 24-25 May 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) Prohibit all forms of violence against children;
- (ii) Strengthen national and local commitment and action;
- (iii) Promote non-violent values and awareness-raising;
- (iv) Enhance the capacity of all who work with and for children;
- (v) Ensure accountability and end impunity;

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;

(c) Seek technical cooperation in this respect from the Special Representative of the Secretary-General on Violence against Children, UNICEF, OHCHR, and the World Health Organization (WHO), and other relevant agencies and organizations.

Right to freedom of religion and belief

44. Whilst noting the measure taken by the Government to create the Nigerian Inter-Religious Council (NIREC) in order to facilitate dialogue among the various religions of the country, the Committee is concerned by the limitations affecting children in the exercise of their right to freedom of religion due to different tensions between the religious communities and that these tensions have created a climate of fear of openly manifesting their religion. Furthermore the Committee is concerned that, in certain regions, the fact to convert to another religion is considered as a grave offence and is sentenced with extremely severe penalties.

45. The Committee recommends that the State party take all appropriate action to ensure to children the free practice of their religion and the respect of their right to freedom of religion and belief. The Committee recommends also that the State party favours a climate of religious tolerance and that it not stigmatize children, in particular by not considering the choice of religion as a criminal offence.

Child rights and the business sector

46. The Committee is very concerned at reports on the environmental degradation and widespread pollution in the Niger Delta as a result of the oil industry operating in the area, and its impact on the health and standard of living of children. The Committee also notes with concern information that the population in the Niger Delta suffers from respiratory problems, such as asthma and bronchitis, as a result of toxins released from gas flaring. The Committee is furthermore concerned about the negative effects on children of global climate change, including in the context of the desertification in the northern states.

47. The Committee recommends that the State party takes immediate measures to address these concerns and to reduce pollution and environmental degradation in the Niger Delta. These measures include establishing independent oversight bodies to assess the safety operations of the petroleum industry, and developing appropriate standards on environmental and social responsibility of the business sector, in consultation with the public. The Committee furthermore recommends that the State party work alongside the business sector to increase, through the school curriculum and communication programmes, the knowledge of children, parents, teachers and the public at large on environmental issues, including on the effect of oil extraction on health and livelihoods as well as of growing desertification in the North and its related effects on the health of children, such as malnutrition.

Family environment and alternative care (arts. 5; 18, paras. 1-2); 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)

Family environment

48. While welcoming the proposed framework in the National Economic Empowerment and Development Strategy (NEEDS II) for providing support to vulnerable groups, including single parents and teenage mothers, the Committee regrets the lack of information in the State party's report on measures taken to support parents, guardians or members of the extended family in providing appropriate direction and guidance in the child's exercise of its rights and to support them in the performance of their child-rearing responsibilities. It furthermore regrets that no available disaggregated data exists concerning single-parent families and is concerned about the reported social stigmatization facing single mothers.

49. The Committee recommends that the State party provide further information about the implementation of articles 5 and 18, paragraph 2, of the Convention in its next periodic report. It recommends that the State party takes all necessary measures to ensure the allocation of appropriate financial and other support programmes that assist parents, especially single-mother and teenage households, or legal guardians, in the exercise of their responsibilities. The State

party is furthermore strongly encouraged to adopt a comprehensive family law to guide appropriate policies in this respect.

Children deprived of a family environment

50. The Committee welcomes the adoption of the National Plan of Action on Orphans and Vulnerable Children (2006-2010) and the National Guidelines and Standards of Practice on Orphans and Vulnerable Children, based on a rights-based approach and guided by the principle of the best interests of the child. The Committee is nevertheless concerned about the adequacy of programmes and the capacity of institutions to effectively implement these frameworks in view of the alarmingly high number of orphans and otherwise vulnerable children. It expresses particular concern about the situation of children orphaned by HIV/AIDS, children in street situations, including the *alamajiri*, and the placement of orphans in remand homes where, in some instances, they live together with adults and children in conflict with the law.

51. The Committee urges, as a matter of priority, the State party to allocate adequate financial, human and other resources to ensure the effective implementation of the aforementioned policies and guidelines for the protection and well-being of children deprived of their family environment. In particular, the State party is urged:

- (a) To take all necessary measures to provide alternative child care options for children currently living in remand homes, with a view to abolishing the use of remand homes for the care of children without a family;**
- (b) To provide alternative child care options, such as foster placement, kafala of Islamic law and adoption for children;**
- (c) To establish institutions responsible for the monitoring and evaluation of child care institutions in all states to ensure that they operate in consistency with the rights and best interests of the child, taking into account the National Policy and Guidelines for the Establishment and Monitoring of Child Care Centres;**
- (d) To adopt legislation regulating alternative care of children and accompanying regulatory framework outlining the rights of children under such care, in line with the Guidelines for the Alternative Care of Children contained in the General Assembly Resolution A/RES/64/142 of 20 December 2009.**

Adoption

52. The Committee regrets the lack of information provided by the State party on the practice and extent of domestic and inter-country adoption of children. The Committee remains concerned about information received, and as contained in the second periodic report of the State party (CRC/C/70/Add.24, para. 97), that the lack of uniform adoption laws in the State party has created a system of abuse. While noting that while the State party does not allow for inter-country adoption, the Committee is concerned that the practice remains unregulated and is on the increase. The Committee also expresses grave concern about reports of “baby farms” where children are sold to prospective adoptive persons who in turn sell them for profit.

53. The Committee recommends that the State party provide further information about the implementation of article 21 of the Convention in its next periodic report. The State party is strongly encouraged to harmonize national laws on domestic adoption with the Child Rights Act and ensure their compliance with the Convention, including with kafala. While recalling that inter-country adoption is a measure of last resort for children without families, the State party is urged:

- (a) To ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption;**
- (b) To continue its efforts to eradicate the existence of “baby farms”, including by concluding its mapping exercise on “baby farms”, ensuring the release and rescue of child victims of this practice and investigating and prosecuting those responsible.**

Abuse and neglect

54. While noting the acknowledgment of the State party about the abuse of children in street situations, especially sexual harassment, and in the family setting, the Committee regrets the lack of information about the extent and forms of child abuse and about the legislative and administrative framework in place to prevent and protect children from all forms of violence, abuse and neglect.

55. The State party is urged:

- (a) To put in place an effective system of data collection and monitoring cases of violence, abuse and neglect of children;**
- (b) To establish an effective coordination mechanism between authorities competent to receive and investigate child abuse cases, including the special units, pilot juvenile complaint desks and human rights desks of the Nigerian Police and the Special Rapporteur on Child Rights of the Nigerian Human Rights Commission;**
- (c) To undertake comprehensive training and sensitization programmes for health professionals, law enforcement personnel, judges and prosecutors on the prevention, protection and prosecution of child abuse cases.**

Basic health and welfare (arts. 6; 18, para. 3; 23-24; 26-27, paras. 1-3, of the Convention)

Children with disabilities

56. The Committee welcomes the frank acknowledgment of the State party with respect to the significant challenges facing the country in protecting and ensuring the rights of children with disabilities. It notes with appreciation information about the ongoing survey on children with disabilities, supported by UNICEF. While further noting information on special education facilities for children with disabilities, the Committee is concerned at the regional disparities in the availability of such facilities. The Committee is furthermore concerned at the lack of information on follow-up on its previous recommendations relating to children with disabilities (CRC/C/15/Add.257, paras. 46-47), in particular that no comprehensive policy on children with disabilities has been developed. The Committee furthermore notes the use of offensive and derogatory definitions and categories employed by the State party when referring to children with disabilities.

57. The Committee urges the State to take measures towards the ratification of the Convention on the Rights of Persons with Disabilities and to take all necessary measures to implement its earlier recommendations regarding children with disabilities (CRC/C/15/Add.257, para. 47). The Committee strongly recommends the State party :

(a) To adopt a national policy on children with disabilities, based *inter alia* on the findings of the ongoing survey, and consider the establishment of a coordinating body to help focus on the special needs of children with disabilities;

(b) To continue its efforts to ensure access to education and health services for all children with disabilities in all states and to address existing geographical disparities with respect to available social services.

Health and health services

58. The Committee notes with appreciation the significant efforts of the State party in the field of health, notably the adoption of the National Health Policy (2005), the Integrated Maternal, Newborn and Child Health (IMNCH) Strategy (2007), immunization programmes, including the revised guidelines for distribution of funds for the effective use of the Global Alliance on Vaccine for Immunization (GAVI) fund, and improved access to safe drinking water. The Committee also notes with appreciation the provision of free maternal and child health services in 18 northern states as well as the significant progress in halting polio last year, subsequent to action taken by local leaders in rural areas of the northern states. It further welcomes the adoption of the National Strategic Health Development Plan in March 2010 and indications that the Government intends to increase its allocation to the health sector (currently 4 per cent in the 2010 budget proposal).

59. The Committee nevertheless remains seriously concerned at the continued high rate of infant, child and maternal mortality (the second-highest in the world) and the high incidences of preventable diseases such as malaria, HIV/AIDS and diarrhoea. It expresses its utmost concern at the significant geographical disparity between the northern and southern regions of the State party in terms of the coverage of vaccination, the very low percentage of children who received full immunization, the rate of malnourishment, and incidences of child diseases, and the strong correlation between access to health care (including pre- and post-natal care) and the level of education and income.

60. The Committee, referring also to the recommendations by the Committee on the Elimination of All forms of Discrimination against Women (CEDAW) of 2008 (CEDAW/C/NGA/CO/6, paras. 31-34), urges the State party, as a matter of priority:

(a) To strengthen the capacity of its decentralized health care system to deliver, including by ensuring effective roll-out of the second and third phases of the IMNHC, while prioritizing the most disadvantaged northern states;

(b) To strengthen the coverage of the National Immunization Programs, especially in rural areas;

(c) To consider nutrition as a national priority and to provide appropriate resources for the implementation of nutrition programmes and to ensure their full integration into government health structures;

(d) To develop ongoing efforts to ensure community participation and ownership, especially parents, regarding pre- and post-natal care, child health, nutrition and family planning;

(e) To address the correlation between access to health care and girls' education, with a view to combat maternal mortality and empower women in decision-making concerning their health care;

(f) To adopt the National Health Bill, which provides for direct funding line for primary health care, at its earliest possible and ensure that it guarantees the right of the child to the best attainable state of physical and mental health, as stipulated in the Child Rights Act;

(g) To amend the Constitution with a view to guarantee the right of the child to the best attainable state of physical and mental health as a constitutionally protected right, and with a view to specify the respective powers and responsibilities of federal, state and local governments in the delivery of health care;

(h) To fulfil its commitment, as set out in the 2006 WHO Regional Committee for Africa resolution "Health Financing: A Strategy for the African Region", to allocate a minimum of 15 per cent of its annual budget to improve the health sector, and continuing to seek technical cooperation and assistance from UNICEF and WHO;

(i) To ensure the provision of free maternal and child health services to all states of the federation and take measures to ensure nation-wide coverage of the implementation of the National Health Insurance Scheme (NHIS).

Adolescent health

61. The Committee notes the development of a National Policy on Adolescent Health and Development (2006) as well as the Adolescent Health, HIV/AIDS Prevention, Care and Support project and of adolescent health guidelines. It further welcomes the identification of adolescent health as one of the indicators of the National Strategic Health Development Plan and the agreement signed by all state governors to implement the plan as well as efforts to secure funding to strengthen access to contraceptives. The Committee also welcomes information that reproductive rights and maternal health education has been introduced in the school curricula. The Committee remains concerned however at remaining health challenges facing adolescents, such as abortion complications and deaths of girls as a result of unsafe abortions, the lack of access to information and services relating to reproductive health for adolescents, the very low percentage of adolescents who use condoms at their first sexual encounter, restrictive abortion law, the existence of user fees and prevalence of HIV and sexually transmitted diseases (STIs).

62. The Committee recommends that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development, continue to strengthen activities and services under its national adolescent health policy and other projects. It strongly recommends that the State party, among other things:

(a) Abolish user fees and take other measures to increase adolescent girls' access to affordable health-care services, including reproductive health services, and other measures to prevent unwanted pregnancies;

(b) Take all necessary measures to involve civil society, especially the local community and grass-root NGOs, in the implementation of the National Policy on Adolescent Health and Development from a bottom-up approach;

(c) Ensure free and easily accessible contraceptives for adolescents, including condoms, in health facilities and in schools, and develop and implement child-friendly awareness-raising programmes on the use of contraceptives;

(d) Introduce sex education for boys and girls in the school curricula and undertake sensitization programs at community level on reproductive health and rights;

(e) Consider the recommendations by the Committee on the Elimination of Discrimination against Women to review and amend the State party's abortion laws (CEDAW/C/NGA/C/06, para. 34).

Mental health

63. The Committee is concerned at the lack of information on the mental health and emotional well-being of children and adolescents and appreciates the frank acknowledgement made by the State party during the constructive dialogue that efforts need to be made in this area.

64. The Committee recommends that the State party undertake a comprehensive study on the mental health of children and adolescents and develop a strategy on the mental health of children and adolescents which is adequately resourced.

Harmful traditional practices

65. The Committee expresses serious concern about the extremely high prevalence of early marriages among girls in the northern states and its impact on their enjoyment of other human rights, especially the right to education. In this context, the Committee notes with appreciation the adoption by some states of laws prohibiting the withdrawal of girls from school because of marriage. While noting the multidisciplinary approach adopted by the State party to raise awareness and promote attitudinal change with respect to female genital mutilation (FGM), and that cutting tattoos or marks and female genital mutilation are made punishable offences in the Child Rights Act, the Committee is concerned about the high percentage of women who have undergone female genital mutilation. The Committee regrets the lack of up-to-date information on measures taken by the State party to prevent and eliminate harmful traditional practices, including progress in the implementation of its earlier recommendations (CRC/C/15/Add.257, paras. 54-58).

66. The Committee urges the State party, as a matter of priority:

(a) To take prompt measures to address the practice of early marriages in the northern states;

(b) To undertake sensitization programs on the prohibition of early marriages in the Child Rights Act and ensure that state legislation incorporates such prohibition of all children under the age of 18;

(c) To develop and undertake comprehensive awareness-raising programs on the negative implications of early marriage for the girl child's rights to health, education and development, targeting in particular traditional and religious leaders, parents and state parliamentarians, and the prohibition by law of withdrawal of children from school because of marriage;

(d) To eliminate FGM and other harmful traditional practices, including by enacting legislation to prohibit FGM and to conduct awareness raising programmes for, and involving, parents, women and girls, heads of families, religious leaders and traditional dignitaries.

Children accused of witchcraft

67. The Committee notes with appreciation the measures taken by the State party to address the phenomenon of children accused of witchcraft, including the passing of state legislation prohibiting such practice in Akwa Ibom State, the arrest and prosecution of offenders, ongoing awareness-raising and rehabilitation programmes, and successful family reunification projects. The Committee nevertheless remains extremely concerned at the reportedly widespread practice of the witchcraft stigmatization of children in the State party and reports that these children are tortured, abused, abandoned and even killed as a result of such stigma and persecution. The Committee is particularly concerned at the reported roles of certain churches and the film industry in promoting the

belief in child witchcraft and that already vulnerable children, including children from poor families and children with disabilities, are at greater risk of witchcraft stigmatization. In this respect, the Committee expresses utmost concern at reports of arbitrary killings of children during the course of activities designed to extract a confession of witchcraft or resulting from exorcism ceremonies.

68. The Committee urges the State party to strengthen efforts to combat the belief in and accusation of children of witchcraft. Specifically, the Committee urges the State party:

- (a) To criminalize making accusations against children of witchcraft and related abuse at national and state level and ensure that authors of crimes on the basis of witchcraft are prosecuted;**
- (b) To ensure training to law enforcement agencies and prosecutors on existing relevant penal provisions criminalizing such acts;**
- (c) To undertake appropriate sensitization and awareness-raising programs, including in cooperation with civil society organizations and with the media, to address the belief in child witchcraft, for the general public as well as for religious leaders;**
- (d) To regulate those religious institutions found to engage in such practices and request them to adopt child protection policies;**
- (e) To undertake a comprehensive research study on the causes and effects of the phenomenon.**

HIV/AIDS

69. The Committee recognizes the efforts undertaken by the State party in addressing the HIV/AIDS epidemic, including the Adolescent Health, HIV/AIDS Prevention, Care and Support Project and the exclusive breastfeeding programme for HIV/AIDS infected mothers. The Committee notes the expansion of the Prevention of Mother to Child Transmission (PMTCT) programmes and their integration into other health care interventions. The Committee regrets however that education and awareness programmes are insufficient to effectively prevent new HIV infections. It also expresses concern about the high number of children orphaned by HIV/AIDS in the State party (1.8 million).

70. The Committee recommends that the State party, while drawing its attention to the Committee's general comment no. 3 (2003) on HIV/AIDS and the rights of the child:

- (a) Continue to develop and strengthen its policies and programmes to provide care and support for children infected or affect by HIV/AIDS, with particular children orphaned by HIV/AIDS, including by enhancing the capacity of extended families or the community to care for such children;**
- (b) Strengthen awareness of HIV/AIDS prevention among adolescents, including through sex education in school and by the active use of the media and other public awareness campaigns.**

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

71. The Committee notes with appreciation steps taken by the State party to implement its free Universal Basic Education Programme (1999) and measures to improve quality of education, including a gender review of the curricula. It also welcomes the increased budgetary allocations for the education sector, the increase in primary school enrolment, and the improvement in infrastructure. The Committee notes the adoption of the Vocational Educational Initiative and the development of special vocational training programmes to assist children from low socio-economic status and for children from other vulnerable groups. It also notes with appreciation the ongoing process of integrating religious schools into the formal school system and for providing them with trained *maalams* (teachers). The Committee remains seriously concerned however about:

- (a) The high percentage of the primary school age population that is not enrolled in schools;**
- (b) The very low national primary school completion rate and the low net secondary school enrolment rate;**
- (c) Persisting wide geographical disparities in terms of enrolment rates and educational facilities;**
- (d) Persisting gender inequalities in enrolment and retention rates in the northern states;**
- (e) The existence of fees and the absence of the right to free and compulsory education in the Constitution and at information that parents who refuse to enroll their children in schools are subject to sanctions;**
- (f) The inadequate and inaccessibility of vocational training programmes for many children, including children in conflict with the law.**

72. The Committee urges the State party, taking into account its general comment no. 1 (2001) on the aims of education:

- (a) To ensure that primary education is effectively free and compulsory for all children without discrimination, including by abolishing school fees;**
- (b) To ensure that the right to free and compulsory education is incorporated in the Constitution within the context of the constitutional review;**

(c) To continue to increase public expenditure for education, in particular primary education, with specific attention to addressing gender and regional disparities in the enjoyment of the right to education, and to enhance quality of education, including by ensuring that parents are not required to bear any financial burden for education and learning materials;

(d) To continue to strengthen its efforts to integrate religious learning institutions, including the *alamajiri* schools, into the formal school system and to provide teachers education to *maalam*s;

(e) To promote pre-school education for children and make special attempts to include children from vulnerable and school-distant groups at early ages;

(f) To take effective measures to ensure equal access to secondary education, especially in rural areas and in the north-western and north-eastern regions of the State party,^[1] by promoting enrolment of girls;

(g) To continue and strengthen its efforts to ensure accessible and available vocational training opportunities for all children, with a priority to children from vulnerable groups.

8. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)

Asylum-seekers and refugee children

73. The Committee notes that the State party hosts a number of refugees and asylum-seekers from countries involved in or emerging from conflicts, the majority of which are children and women. Whilst the Committee notes that refugee children have the same entitlements as nationals to all rights enshrined in the CRA, and appreciates information that some refugee children are provided with educational scholarships and that schools have been renovated to facilitate integration of refugee children, the Committee is concerned about the lack of disaggregated data on refugee and asylum-seeking children in this respect. The Committee is also seriously concerned that refugee children are not able to benefit from the national child protection scheme.

74. The Committee urges the State party:

(a) To include refugee children in the national child protection system, as a matter of priority;

(b) To take all measures to guarantee the protection of refugee children in line with its obligations under international human rights and refugee law obligations, while taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin;

(c) To strengthen the financial and human resources allocated to the National Commission for Refugees, with a view to ensure reliable statistics on the number, age, sex and nationality of refugee and asylum-seeking children;

(d) To undertake the necessary legislative changes to ensure that the recruitment or use in hostilities of children constitutes a ground for the granting of refugee status and non-refoulement.

Internally displaced children

75. The Committee notes information in the State party's written replies on measures to enhance the situation of internally displaced persons (IDPs), including the amendment to the National Commission for Refugees (NCFR) Act aimed at giving wider legal powers to the NCFR with respect to its presidential mandate on internal displacement and the draft amendment bill on internally displaced persons. Nevertheless, the Committee remains concerned at the absence of a comprehensive legislative and policy framework on IDPs to effectively address the situation of IDP children, especially those displaced in connection to recent political and inter-communal unrest and violence, flooding and evictions, and ensure their long-term reintegration in society. The absence of a data collection system on internally displaced persons is furthermore of concern to the Committee.

76. The Committee urges the State party to take all measures to guarantee the rights and well-being of internally displaced children. In particular, the State party is urged:

(a) To adopt a comprehensive national policy on IDPs which, inter alia, identifies the agency responsible for the registration, monitoring and protection of IDPs, including children;

(b) To ensure that, until such policy is in place, the National Commission for Refugees (NCFR) and the Nigerian Red Cross are provided with the necessary resources to effectively protect and ensure the rights of internally displaced children.

Children of minority groups

77. The Committee is concerned at the lack of information in the State party's report on minorities, particularly the Ogoni community (Niger Delta region). Furthermore, the Committee is concerned by discrimination against ethnic minorities and notes that provisions of the National Policy on Education conferring special status on the three major languages (Hausa, Igbo and Yoruba) may be interpreted as discriminatory. The Committee notes that no strategies have been developed to ensure appropriate curricula for minorities, which takes into account the right of children of minority groups to use and receive education in their own language.

78. The Committee urges the State:

- (a) To conduct a study analysis in order to respond adequately to their needs, particularly the Ogoni community;**
- (b) To ensure that children of minority groups be given equal access to education and equal chances to develop qualifications through the introduction of appropriate and adequate curricula which recognizes their right to use and receive education in their own language.**

Children affected by armed conflict

79. The Committee is seriously concerned about the impact on children of political violence in recent years, inter-communal and inter-religious unrest and of armed conflict in the Niger Delta and in other parts of the State party. The Committee notes with utmost concern reports alleging that children were among the victims in the recent massacres in Jos in March 2010 and of reports of arbitrary killings by security agencies during the violence in Plateau state in November 2008. While noting the recent peace process in the Niger Delta region and the ensuing disarmament, the Committee recognizes the challenges in ensuring long-term education and employment for the youth ex-fighters.

80. The Committee urges the State party to take measures to prevent any violation of the right to life, survival and development of children affected by violent conflict and unrest in its territory. It urges the State party to give full consideration to the recommendations set forth in the decision of 11 March 2010 by the Committee on the Elimination of Racial Discrimination.

81. The Committee urges the State party to implement its programmes to provide education for children in the Niger Delta, as well as to develop, in line with article 39 of the Convention, necessary recovery and reintegration activities to ensure long term social reintegration of these children.

Economic exploitation, including child labour

82. The Committee notes the public awareness campaigns to combat economic exploitation of children and the undertaking of a survey in 2008 to identify the prevalence and nature of child labour as well as information on the establishment of child labour units in all states, and the formulation of a draft policy on child labour. The Committee however remains seriously concerned at the very high number of children engaged in worst forms of child labour, in particular reports of forced child labour in agriculture, construction, mining and quarrying, involving the trafficking of children from neighbouring countries. While noting the provisions prohibiting worst forms of child labour in the Labour Act (1990) and the Child Rights Act and information on an ongoing review of labour laws with regard to child labour, the Committee remains concerned that the State party lacks a comprehensive list determining the types of hazardous work that shall not be performed by children under 18 years of age.

83. The Committee urges the State party to take all appropriate steps to eliminate exploitative child labour. Specifically, the Committee urges the State party:

- (a) To ensure that the child labour units are adequately resourced so as to strengthen their monitoring activities, in close cooperation with the Child Development Department and the Federal Ministry of Women Affairs and Social Development;**
- (b) To adopt a comprehensive list of exploitative and hazardous work prohibited to persons under the age of 18 as recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations;**
- (c) To ensure the effective enforcement of applicable sanctions against persons violating existing legislation on child labour, including by raising awareness of international standards relating to child labour among labour inspectors, the general public and law enforcement agencies.**

Children in street situations

84. The Committee notes the efforts of the State party to provide children in street situations with appropriate solutions to their difficult situation. The Committee is of the view that endemic poverty has direct implications on children with many being sent to the streets where they engage in hawking or other forms of work to support the family income. The Committee is also alarmed by the increase in the number of children in street situations and that children can be penalized under criminal law for "status offences", such as vagrancy, truancy or wandering.

85. The Committee recommends the State party:

- (a) To undertake an in-depth study and statistical analysis on the causes and scope of the phenomenon of children in street situations in Nigeria;**
- (b) To develop a national strategy to support children in street situations;**
- (c) To prevent other children from living and working in the street, including the *alamajiri* children, by ensuring that children in street situations are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;**
- (d) To abrogate laws which criminalize vagrancy, truancy or wandering and other "status offences" for children.**

Sale, trafficking and abduction

86. The Committee welcomes the legislative, administrative and educational efforts taken by the State party to address child trafficking as outlined in its report, including the establishment of anti-trafficking units within the law enforcement agencies, including the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the increase in rescued victims of child trafficking and the investigation, prosecution and conviction of perpetrators and the adoption of a national action plan on trafficking in persons (2006). The Committee remains concerned however at the widespread character of child trafficking and that the State party remains a source, transit and destination country for trafficking of children. It notes with particular concern that the overwhelming majority of rescued victims of trafficking is girls for purposes of sexual exploitation and that successful prosecutions remain low. The Committee is also concerned that the link between human trafficking and international protection obligations are inadequate, particularly concerning children trafficked over international borders.

87. The Committee urges the State party to continue its efforts to protect children from trafficking and sale. Specifically, the State party is strongly urged:

(a) To conduct media campaigns and continuous dialogue and advocacy to raise awareness on victim identification indicators and reporting mechanisms;

(b) To tackle the root causes and improve the situation of children at risk, especially the girl child, through economic reintegration and rehabilitation of victims;

(c) To strengthen training programs addressing law enforcement officers and public awareness campaign targeting, in particular, parents;

(d) To invite both the Special Rapporteur on trafficking of persons, especially in women and children and the Special Rapporteur on the sale of children, child prostitution and child pornography to visit the State party;

(e) To reinforce prevention of trafficking of children abroad, including in the framework of the European Development Fund agreement 2009-2013;

(f) To take all measures to ensure investigation, prosecution and conviction of perpetrators of child trafficking in accordance with national legislation;

(g) To establish a referral mechanism between the asylum system and the victims of trafficking protection system, in order to ensure that child victims of trafficking have access to the asylum procedure and that child asylum-seekers who may have been victims of trafficking access and receive specialized assistance for their recovery and reintegration;

(h) To consider ratifying the Protocol to Prevent, Suppress and Punish Traffickers in Persons, especially Women and Children.

Sexual exploitation and abuse

88. While welcoming that sexual exploitation and abuse is among the five topics of the National Baseline Survey on Child Protection, the Committee is concerned at the lack of data on the phenomenon in its report. The Committee is seriously concerned at reports on the high number of children who have experienced some form of sexual abuse, including in schools, and that such abuse is not documented and reported to the police. It also expresses serious concern at the high number of trafficked children who are victims of sexual exploitation or who are trafficked and sold abroad, primarily to Europe, for purposes of sexual exploitation. The Committee is furthermore concerned at the reports on young girls, including children in street situations and orphans, being forced into prostitution in urban centres of the State party.

89. The Committee strongly recommends the State party to take effective measures to prevent and combat sexual exploitation of children. Specifically, the Committee recommends that the State party:

(a) Develop appropriate policies and strategies to effectively address sexual exploitation of children, including by disseminating the findings of the National Baseline Survey on Child Protection regarding sexual exploitation of children among relevant authorities;

(b) Develop an awareness-raising campaign on schools free from sexual violence and abuse in close cooperation with parents, teachers, school administrators and children;

(c) Undertake extensive trainings and other forms of sensitization programs for law enforcement agencies on sexual exploitation and abuse of children and consider the appointment of staff/unit with specialized expertise on this topic;

(d) Develop and implement appropriate policies and programs for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children as well as the outcome of other international conferences on this issue.

Administration of juvenile justice

90. The Committee appreciates the introduction in the new Child Rights Act of a chapter dedicated to children in conflict with the law and welcomes the establishment of family courts to deal with juvenile offenders, while noting with regret that these have only been established in eight states to date. It also notes the increased training for judges, magistrates and law enforcement officers concerned with juvenile justice and the establishment of specialized police units in charge of children. However, the Committee recalls its serious

concern at the existence of the death penalty to persons below 18 under sharia law (CRC/C/15/Add.257, para. 32) and expresses great concern over information indicating that there is not a minimum age for criminal responsibility and that children younger than 18 years of age can be tried and deprived of their liberty in rehabilitation centres or even in detention facilities. The Committee is also concerned at the remaining number of children in adult jails and ill-treatment of children in custody by police, including in pretrial detention, and the absence of penal procedural rules during their trial before the family courts.

91. The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice. In this regard, the Committee recommends that the State party, inter alia:

- (a) Ensure with immediate effect that neither the death penalty nor life sentence are imposed for offences committed by persons under 18 years of age;**
- (b) Consider setting the minimum age of criminal responsibility as at least 12 years with a view to raising it further as recommended in the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice;**
- (c) Consider the establishment of specialized procedural rules to ensure that all guarantees are respected in proceedings before the family courts;**
- (d) Limit by law the length of pretrial detention of children;**
- (e) Continue efforts to ensure that children deprived of liberty in rehabilitation centres or in detention facilities are never kept with adults, that they have a safe, child-sensitive environment, and that they maintain regular contact with their families;**
- (f) Ensure that children are held in detention only as a measure of last resort and for the shortest period possible and that detention is subject to regular review;**
- (g) Establish an independent body for the monitoring of placement conditions and receiving and processing complaints by children in facilities;**
- (h) Adopt a national policy in prevention and promotion of alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible, in line with the provisions of the Child Rights Act;**
- (i) Provide children, both victims and accused, with adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings;**
- (j) Establish special police units dealing with children in all states of the federation and ensure that they receive training on the Child Rights Act and Convention;**
- (k) Expedite the establishment of family courts in all states and ensure that they are provided with adequate human and financial resources;**
- (l) Request further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR, and NGOs.**

Ratification of international human rights instruments

92. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

(a) Follow-up and dissemination

Follow-up

93. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to members of the National Assembly, the Supreme Court, the line ministries at federal and state levels (in particular those of women affairs and social development, health, education and justice), the Children's Parliaments, and, to the extent possible, local governments, for appropriate consideration and further action.

Dissemination

94. The Committee further recommends that the combined third and fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the main languages of the country, including (but not exclusively) through the Internet, the print and broadcast media to the

public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

(b) Next report

95. The Committee invites the State party to submit its combined fifth to eight periodic report by 18 November 2016. This report should not exceed 120 standard pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.

96. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the Harmonized Guidelines on Reporting, approved by the 5th Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

[1] See table 7.3 in the State party's report.